

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

SYLVESTER LEE BRANCH

PLAINTIFF

V.

CIVIL ACTION NO. 2:08cv77-MTP

REGINA REED

DEFENDANT

ORDER

THIS MATTER is before the court on the Motion for Summary Judgment [26] filed by Plaintiff. Having considered the motion and the applicable law, the court finds that the Motion [26] should be DENIED.

Plaintiff fails to offer any evidence or arguments in support of his two-page motion. Instead, he merely states that he appeared before the court for a *Spears*¹ hearing on June 23, 2008, that the Defendant produced documents in accordance with the court's scheduling order, and that he "humblely (sic) request[s] a summery (sic) of judgement (sic), disposition and status report." *See* Motion [26].

Summary judgment is only proper when "the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). "The movant has the burden of establishing the absence of a genuine issue of material fact and, unless he has done so, the court may not grant the motion" *See Hibernia Nat'l Bank v. Administracion Central Sociedad Anonima*, 776 F.2d 1277, 1279 (5th Cir. 1985). Plaintiff has failed to meet this burden. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Summary Judgment [26] is

¹*Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

DENIED.

SO ORDERED this the 25th day of February, 2009.

s/ Michael T. Parker

United States Magistrate Judge